



Promoting the wise use of land

**COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT**

**PLANNING COMMISSION**

MEETING DATE January 28, 2016	CONTACT/PHONE Brandi Cummings 805-781-1006	APPLICANT Rob Marinai	FILE NO. DRC2014-00131
EFFECTIVE DATE February 12, 2016			
SUBJECT Request by <b>ROB MARINAI</b> for a Conditional Use Permit to allow a three-story 83-unit motel, with a total of 38,500 square feet of floor area and 12,800 square-foot of subterranean parking. The applicant is also requesting a modification to the sign ordinance. The project will result in the disturbance of approximately 1.2 acres of a 1.2 acre parcel. The proposed project is within the Commercial Retail land use category and is located on the south side of Hill Street (at 549 Hill Street), approximately 300 feet west of South Frontage Road, in the community of Nipomo. The site is in the South County (Inland) Planning Area.			
RECOMMENDED ACTION 1. Adopt an Addendum to the Negative Declaration in accordance with the applicable provisions of the California Environmental Quality Act, Public Resources Code Section 21000 et seq. 2. Approve Conditional Use Permit DRC2014-00131 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION The Environmental Coordinator found that the previously adopted Negative Declaration is adequate for the purposes of compliance with CEQA. Per State CEQA Guidelines (Sec. 15164(a), Sec. 15162) an Addendum to the adopted Negative Declaration was prepared as the following conditions apply: 1) only minor technical changes or additions are necessary; 2) no substantial changes have been made or occurred that would require major revisions to the Negative Declaration due to either new significant effects or substantial increases in the severity of previously identified significant effects; 3) substantial changes have not occurred with respect to the circumstances under which the project is undertaken; 4) no new information of substantial importance which was not known or could not have been known at the time of the adopted Negative Declaration has been identified. No new mitigation measures have been proposed.			
LAND USE CATEGORY Commercial Retail	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 092-579-004	SUPERVISOR DISTRICT(S) 4
PLANNING AREA STANDARDS: South County Sub-area Standards - Circulation Planning, Nipomo Mesa Water Conservation Area, Circulation Nipomo Community Standards - Connection to Community Sewer, West Tefft Corridor Design Plan			
EXISTING USES: Undeveloped			
SURROUNDING LAND USE CATEGORIES AND USES: North: Commercial Retail/currently undeveloped, mixed-use development approved East: Commercial Retail/undeveloped South: Residential Multi-Family/currently undeveloped; approved mixed-use development West: Commercial Retail & Residential Multi-Family/currently undeveloped; approved mixed-use development			
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER γ SAN LUIS OBISPO γ CALIFORNIA 93408 γ (805) 781-5600 γ FAX: (805) 781-1242			

OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Air Pollution Control District, Building Division, Cal Fire, HEAL SLO, Nipomo CSD, Bicycle Advisory Committee, South County Advisory Council	
TOPOGRAPHY: Moderately sloping	VEGETATION: Grasses, eucalyptus
PROPOSED SERVICES: Water supply: Community system (Nipomo CSD) Sewage Disposal: Community system (Nipomo CSD) Fire Protection: Cal Fire	ACCEPTANCE DATE: September 14, 2015

## DISCUSSION

The applicant is proposing to construct a 83-unit motel with an outdoor swimming pool and a total of 93 parking spaces. The proposed structure includes 3 stories with 38,500 square feet of floor area above grade and a 12,800 square-foot subterranean parking level.

A similar motel project (DRC2005-00007) was previously approved by the Planning Commission in 2010. The approval subsequently expired in 2012.

The current project proposal includes a redesign from two motel buildings to one motel building and an increase from 71 to 83 guest rooms. The motel is still proposed at three-stories totaling 38,500 square feet of floor area. The motel has also been relocated from the north side of the property to the south side of the property. As a result, the parking area has been reconfigured and now includes a 12,800 square-foot underground parking deck containing 40 spaces. The current project also includes a request for modification to the sign ordinance to allow for two (2) wall-mount signs and to increase the allowed size from 80 square-feet to 150 square-feet each.

## PROJECT ANALYSIS

### ***Ordinance Compliance***

Lodging- Hotel and Motels – Chapter 22.30.280 provides density and parking requirements. General Property Development Standards – Chapter 22.10 of the Land Use Ordinance establishes development standards. The proposed development meets all applicable standards of Chapter 22.10, as indicated by the following table and discussion below.

	Required/Allowed	Proposed	Compliance
<b>Setbacks</b>			
Front	0'	95'	OK
Left Side	0'	32.5'	OK
Right Side	0'	5'	OK
Rear	0'	192.5'	OK
<b>Height</b>	45'	45'	OK
<b>Parking</b>	2 spaces + 1 space per unit + 1 per each 10 units (2+83+8 = 93)	93	OK
<b>Signs</b>	one wall sign 80 sq ft max per public entrance	Two wall-mounted, 150 sf each	Modification

#### Section 22.10.060 Exterior Lighting

At the time of application for any land use permit or land division, the applicant shall provide details on any proposed exterior lighting, if applicable. All lighting fixtures shall be shielded so that neither the lamp nor the related reflector interior surface is visible from adjacent properties. Light hoods shall be dark-colored.

*Staff comments: The proposed project is conditioned to comply with this standard. A lighting plan is required to be submitted for review and approval at time of construction permit application.*

#### Section 22.10.080 Fencing and Screening

Section 22.10.080 of the County Land Use Ordinance requires fencing and screening for all commercial uses adjacent to residential, commercial, and industrial land uses. A solid wall or fencing is required on all side and rear property lines of the project. Yard areas with private swimming pools shall be fenced in compliance with the Uniform Building Code.

*Staff comments: The fencing and screening requirements are incorporated as conditions of approval for this project.*

#### Section 22.10.090 Height Measurement and Height Limit Exceptions

This section limits the height of structures as needed to support public safety; protect access to natural light, ventilation, and direct sunlight; support the preservation of neighborhood character; and to preserve view sheds and scenic vistas. The maximum allowed height for structures in Central Business District areas of Commercial land use categories is 45 feet above average natural grade.

*Staff comments: The proposed project is designed to 45 feet in height and therefore meets this standard.*

#### Section 22.10.140 Setbacks

No front setback is required within a Central Business District. No side setbacks are required in the Commercial land use category except when adjacent to a residential category. When the commercial site is adjacent to a Residential land use category, the side setback shall be a minimum of 10 feet, and shall be landscaped. The minimum setback shall be increased one foot for each three feet of commercial building height above 12 feet. No rear setback is required in Commercial land use categories.

*Staff comments: The proposed project has a front setback of approximately 95 feet, a right side setback of approximately five feet, a left side setback of approximately 32 feet, and a rear setback of approximately 192 feet. The right property line is adjacent to both Commercial Retail and Residential Multi-Family land use categories. The proposed motel structure is adjacent to the Commercial Retail land use category, and no structures are proposed adjacent to the Residential Multi-Family land use category. Therefore, this project complies with this standard.*

#### Section 22.10.170 Underground Utilities

Utilities serving new structures shall be installed underground rather than by the use of poles and overhead lines. This requirement applies to electrical service and telecommunications connections between utility company distribution lines and all proposed structures on a site, and all new installations that distribute utilities within a site.

*Staff comments: The proposed project is conditioned to comply with this standard.*

#### Section 22.16 Landscaping

The standards of this section require a landscaping plan for all development projects in the Commercial Retail category. Landscaping is intended to provide area that can absorb rainfall,

reduce Stormwater runoff, promote and enhance native plant species, and enhance the appearance of structures.

*Staff comments: The applicant has provided a generally acceptable preliminary landscaping plan. A final landscaping plan is a condition of approval, and will be required to meet the requirements of Chapter 22.16. In addition, water conservation measures for landscaping have been adopted for the Nipomo Mesa area, which limit the allowed amount of turf area and require drip irrigation systems.*

#### Section 22.18.010 Parking

Hotels and motels are required to provide two parking spaces, plus one per unit, plus an additional one per every 10 units. Standard parking lot spaces are required to be a minimum of nine by 18 feet in size. Lots with 20 or more spaces may substitute compact (eight by 14 feet) spaces for up to 20 percent the total number of required spaces, and may replace one regular space with a motorcycle space for each 20 required spaces. Accessible parking is required at one space for each 40 spaces required up to 500 spaces, and one space for each additional 200 required. Parking lots with 20 or more spaces shall provide one bicycle rack space for each 10 parking spaces. Bicycle racks shall be designed to enable a bicycle to be locked onto the rack. All parking lots of three or more spaces shall provide sufficient trees so that within 10 years, 60 percent of the surface area of the lot is shaded by deciduous or evergreen trees, in addition to any perimeter landscaping required.

*Staff comments: The applicant is proposing to provide 78 standard parking spaces, nine compact spaces, three motorcycle spaces, and three accessible spaces, for a total of 93 parking spaces. The project is conditioned for a revised site plan to show the required nine bicycle racks, and for a revised landscaping plan to provide for parking lot shade.*

#### Section 22.20 Signs

In Commercial land use categories, wall signs are allowed for each business or tenant, with the number of such signs allowed being equivalent to the number of building faces having a public entrance to the business. The allowed area for the wall signs shall be 15 percent of the building face, up to a maximum of 80 square-feet. A maximum aggregate area of 100 square-feet per site is allowed. Greater numbers of signs or areas of signing larger than the required amount may be permitted through Conditional Use Permit approval.

*Staff comments: The proposed motel has one building face that has a public entrance. The applicant has requested a modification to the sign ordinance to allow for two wall signs (one additional from ordinance), and to allow for signage over 80 square-feet to 150 square-feet each.*

#### Section 22.52.110 Drainage

Drainage plans shall be reviewed and approved by the Department of Public Works. All drainage must be retained onsite in a basin approved by Public Works. The proposed project meets the criteria for a Stormwater Control Plan.

*Staff comments: The project is conditioned to provide complete drainage, erosion control, and sedimentation plans for review and approval prior to construction permit issuance. The plans are required to retain all drainage onsite in a design approved by Public Works.*

#### Section 22.54 Street and Frontage Improvements

The proposed project triggers Curb, Gutter and Sidewalk improvements as such improvements do not already exist. Improvements are required in all Commercial land use categories within an urban reserve line. The required improvements are to be constructed along the entire street frontage of the site and also along the street frontage of any adjoining lots in the same ownership. The proposed project also triggers improvements for the widening of Hill Street to

complete the project side as an A-2 urban street section with bike lanes and continuous center left turn lane fronting the property.

*Staff comments: This project has been conditioned to comply with these standards. Prior to building permit issuance, improvement plans shall be submitted to Public Works for review and approval. The street plans for the widening of Hill Street shall conform to the tentative plans for Tract 2312 (adjacent to the south and east) and the future curved realignment of Mary Avenue and Hill Street.*

## PLANNING AREA STANDARDS

The proposed project is located within the Community of Nipomo and the South County (Inland) sub-area of the South County Planning Area and is subject to the following standards:

### **South County Sub-Area Standards**

#### Circulation Planning

Applications for land divisions or conditional use permits shall provide offers of dedication for public streets, bikeways and pathways. Traffic noise mitigation required in the form of setbacks/open space, site layout, earthen berms, or structural measures, in that order of priority.

*Staff comments: As conditioned, the project meets these standards. Hill Street will be constructed to county standards, which will provide sufficient width for street and pathways. The project includes additional construction requirements to mitigate for traffic noise from Highway 101. The project site is limited in size and scope regarding transit-oriented standards, but will provide pedestrian improvements to Hill Street, a collector road. In addition, the project will contribute to an in-lieu fee program for transit improvements through the Regional Transit Authority.*

#### Nipomo Mesa Water Conservation Area

The standards in Chapter 22.16 apply for landscaping requirements. Irrigation systems shall include smart controllers that adjust irrigation based on climate data, drip irrigation systems for all landscape plant material (except turf), and a separate meter for outdoor water use. Turf is limited to 20 percent of the total irrigated landscape area, which shall not exceed 1,500 square-feet.

*Staff comments: The applicant has provided an acceptable preliminary landscaping plan, with the exception that palm trees are not supported in the Nipomo area. A final landscaping plan is a condition of approval, and will be required to meet the requirements of Chapter 22.16. The project is not proposing to landscape with turf.*

#### Circulation

All Conditional Use Permit application shall be integrated into area wide circulation and utility easements, providing for future extensions into adjacent undeveloped properties wherever feasible. Safe and site-sensitive equestrian, pedestrian, and bicycle circulation facilities shall be provided either within street right-of-way or in separated locations.

*Staff comments: The proposed project is conditioned to improve and widen Hill Street with bike lanes and pedestrian sidewalks, and provides for pedestrian easements for portions that extend beyond the right-of-way.*

### **Nipomo Community Standards**

#### Connection to Community Sewers

New parcels within the Nipomo Urban Services Line shall be designed to provide to future connection to the community sewage system, except for the low density residential areas.

*Staff comments: This project is conditioned to connect to the community sewage system through the Nipomo Community Services District. The applicant has provided an Intent-to-Serve letter from the Nipomo Community Services District for water, sewer, and solid waste.*

#### Nipomo Lowland Areas – Drainage Plan Requirements

All land use permit applications for new structures or additions to the ground floor of existing structures shall require drainage plan approval in compliance with Chapter 22.52, unless the County Engineer determines that the individual project site is not subject to or will not create drainage problems.

*Staff comments: The project is conditioned to provide complete drainage, erosion control, and sedimentation plans for review and approval prior to construction permit issuance. The plans are required to retain all drainage onsite in a design approved by Public Works.*

#### West Tefft Corridor Design Plan

All Zoning Clearances, Minor Use Permit, Conditional Use Permit and land division applications within the West Tefft Design Plan Area shall be in conformity and compliance with the West Tefft Design Plan. In the event of any conflict between the provisions of this Title and the Design Plan, the Design Plan shall control.

*Staff Comments: Only a portion of the proposed project is located within the West Tefft Design Corridor (the front of the project site that includes a parking area). However, the entire proposed project generally meets the principles and standards of the design plan. As much as possible given the size and shape of the lot, the building is located near the street frontage, with parking to the rear and below-ground. The project is pedestrian-friendly, as part of the access improvements will require bike lanes and sidewalks, and bike parking is required onsite.*

#### MAJOR ISSUES

##### ***Nipomo Groundwater Basin***

The project proposes to use the Nipomo Community Services District (NCSD) as its water source. The NCSD pumps water from the Santa Maria groundwater basin, which is made up of three interconnected sub basins (Tri-Cities, Nipomo Mesa, and Santa Maria). At the time of the previously adopted Mitigated Negative Declaration, the Nipomo Mesa Water Conservation Area (NMWCA) was certified at a Level of Severity 2. The comprehensive study completed for the basin at that time (State Department of Water Resources, "Water Resources of the Arroyo Grande-Nipomo Mesa Area", 2002), concluded that the basin was not in a state of overdraft.

Since that time, this Department has released a study (San Luis Obispo County Department of Planning, "Resource Capacity Study – Water Supply in the Nipomo Mesa Area", 2004) concluding the NMWCA portion of the Santa Maria Groundwater Basin is in a state of overdraft. The study recommended a Level of Severity 3 for the basin, and the Board of Supervisors certified the Level of Severity 3 in 2007, and subsequently approved water conservation ordinances for that area.

Although the Level of Severity for water resources in the Nipomo groundwater basin has declined to Level III, the NCSD issued a new intent-to-serve (ITS) letter for NCSD services (water, sewer, and solid waste) on September 10, 2014. Since the issuance of the ITS letter, the NCSD has declared a Stage III water shortage and has subsequently ceased issuing new

ITS letters for new development. However, based on the issuance of an ITS letter, the NCSD has determined that remaining capacity exists for this project and is honoring the letter. Therefore, the findings of the original project can still be made for this proposal.

#### ENVIRONMENTAL DETERMINATION

In September, 2006 the Planning Commission approved a Mitigated Negative Declaration for the previously approved project. The current proposal includes only minor technical changes to the project that are not considered substantial, and therefore an Addendum to the previously adopted Negative Declaration was prepared.

#### COMMUNITY ADVISORY GROUP COMMENTS

The South County Advisory Council heard the item at their July 27, 2015 meeting and recommended to support the project if the following criteria could be met:

1. The project could adhere to Cal Fire guidelines;
2. A traffic study be completed and show no deterioration from the current level of service;
3. That the project adheres to the West Tefft Commercial Corridor Aesthetic Plan.

*Staff comments: The proposed project is conditioned to meet the fire and life safety requirements of the California Fire Code, including those outlined in the Fire Safety Plan prepared for this project dated May 15, 2015.*

*This project is conditioned to provide improvement plans that include widening of Hill Street to an A-2 urban street, bike lanes, and a continuous left turn lane that fronts the property. Also required are curb, gutter, and sidewalk improvements along the frontage of the property.*

*Regarding the West Tefft design standards, only a portion of the proposed project is located within the West Tefft Design Corridor (the front of the project site that includes a parking area). However, the entire proposed project generally meets the principles and standards of the design plan. As much as possible given the size and shape of the lot, the building is located near the street frontage, with parking to the rear and below-ground. The project is pedestrian-friendly, as part of the access improvements will require bike lanes and sidewalks, and bike parking is required onsite.*

#### AGENCY REVIEW:

Public Works – Per attached referral response (Tomlinson, May 4, 2015)

Drainage, Stormwater control, erosion, and sedimentation plans are required for this project. The project triggers curb, gutter, and sidewalk improvements and is located in the South County Area 1 Road Fee area. Public improvement plans are required at time of construction permit application, and shall include the street widening for Hill Street.

*Staff comments: The recommended project conditions of approval noted in the response have been included in the project Conditions of Approval.*

APCD – Per attached referral response (Fuhs, May 11, 2015)

Dust control measures recommended for construction phase emissions. Applicant should consider a dust control suppressant and reduce the amount of water used for dust control. APCD approval may be required for certain construction equipment. A geologic evaluation shall be conducted to determine if asbestos is present.

*Staff comments: Recommendations have been incorporated as conditions of approval.*

Building Division – Per attached referral response (Stoker, May 4, 2015)

Project construction shall comply with current codes adopted by the County of San Luis Obispo (2013 California Building Standards Codes and Title 19 of the SLO County Codes). A licensed architect or engineer is required to submit the plans for this project.

Cal Fire – Per attached referral response (Donnelly, May 15, 2015)

The proposed project will generate an increase in emergency responses required from the Nipomo Fire Station. Similar to other recent proposed large projects in Nipomo, this project will continue to add call volume at a station that is currently handling a high volume of calls, and simultaneous requests for emergency service. Previous, current, and future projects, particularly those that are known to generate significant additional needs for emergency response, have a strong potential to add a cumulative impact on emergency services staffing and public services within the community.

County Fire has two person engine companies. The magnitude of the proposed project will impose operational challenges to fire operations. Therefore, additional fire service features, protected stairwell to roof, fire detection and extinguishment systems are required.

*Staff comments: The proposed project is required to implement the requirements in the Commercial Fire Plan Review for this project. The project will require Cal Fire approval prior to permit issuance, and prior to final inspection/certificate of occupancy.*

HEAL SLO – Per attached referral response (HEAL SLO, May 18, 2015)

The Healthy Communities Work Group has reviewed the proposed conditional use permit and is in support of this proposal.

We see no negative health impacts; this development supports infill and the local economy. A strategic approach to infill development will decrease dependence on motor vehicles, which in turn will diminish higher levels of congestion thereby reducing motor and pedestrian injuries and deaths.

Nipomo Community Services District – Intent to Serve September 10, 2014

Bicycle Advisory Committee – No response received

#### LEGAL LOT STATUS:

The one existing lot is a portion of Lot 25 of the Mesa Grand Tract, according to map recorded in 1887 in Book A, Page 18, of Maps.

Staff report prepared by Brandi Cummings and reviewed by Karen Nall.